

Remarks

Claims 1-20 are currently pending in the Application.

Claims 1-20

This response amends Claims 1 and 14 to clarify the language of the claims and cancels Claims 7-11 and 18-20 without prejudice. Support for the amendments can be found on page 5 lines 5-9 of the specification.

Specification Objections

The Examiner objects to the Abstract of the disclosure. The Abstract has been amended and Applicant requests that the objection be withdrawn.

The Examiner also objects to the title of the invention for allegedly not being descriptive. The Examiner asserts that a new title is required that is clearly indicative of the invention to which the claims are directed. Applicant submits that the claims are directed to “an image forming apparatus.” Therefore, the title “Image Forming Apparatus” is clearly indicative of the invention to which the claims are directed. Further, U.S. Patent No. 6,909,494; 6,907,211; 6,904,250; and 6,901,233 were all granted with the title “Image Forming Apparatus.” Hence, Applicant submits that the title is descriptive and requests that the objection be withdrawn.

35 U.S.C. §102(b) Rejection based on Maemori (U.S. Patent No. 4,837,817)

Claims 1-2, 4 and 8-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Maemori. Applicant respectfully disagrees.

The Examiner is reminded that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co, of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that “[the] identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9

USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant submits that Maemori does not teach each and every element as set forth in the rejected claims. In particular:

Claim 1

Applicant submits that Maemori does not disclose, suggest or teach, *inter alia*, at least the following features recited by amended Claim 1 of the present application:

“...sensing signal from **an audio sensor** ...” (emphasis added)

The Examiner asserts that a “sensor” as recited in Claim 1 is disclosed by Maemori’s “switches 8.” See page 3, line 3 of the Official Action. Applicant respectfully traverses the Examiner’s assertion.

Applicant is not sure how the Examiner arrived at the conclusion that Maemori’s “switches 8” discloses a “sensor” as recited in Claim 1. As a matter of fact, Applicant did a word search of the Maemori and found no mention of a “sensor” let alone an “audio sensor” as recited in amended Claim 1.

Applicant submits that the Examiner failed to comply with 37 C.F.R. §1.104(c)(2) which states:

“In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes invention other than that claimed by Applicant, **the particular part relied on must be designated as nearly as practicable**. The pertinence, if not apparent, must be clearly explained and each rejected claim specified” (emphases added).

Applicant submits that the Examiner has failed to “designate as nearly as practicable” the particular part of Maemori relied upon in making the assertion that Maemori teaches a “sensor” as recited in Claim 1. Applicant submits that Maemori does not teach, disclose or suggest an “audio sensor” as recited in amended Claim 1 and submit that Claim 1 is patentable over Maemori and should be allowed by the Examiner. Claims 2 and 4, at least based on their dependency on Claim 1, are also believed to be patentable over Maemori.

35 U.S.C. §102(b) Rejection based on Kawano (U.S. Patent No. 5,528,337)

Claims 1-3 and 14-16 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kawano. Applicant respectfully disagrees. Applicant submits that Kawano does not teach each and every element as set forth in the rejected claims. In particular:

Claim 1

Applicant submits that Kawano does not disclose, suggest or teach, *inter alia*, at least the following features recited by amended Claim 1 of the present application:

“...sensing signal from **an audio sensor** ...” (emphasis added)

The Examiner asserts that a “sensor” as recited in Claim 1 is disclosed by Kawano’s “release button 31.” See page 4, line 10 of the Official Action. Applicant respectfully traverses the Examiner’s assertion.

Applicant is not sure how the Examiner arrived at the conclusion that Kawano’s “release button 31” discloses a “sensor” as recited in Claim 1. As a matter of fact, Applicant did a word search of the Kawano and found no mention of a “sensor” let alone an “audio sensor” as recited in amended Claim 1.

Applicant submits that the Examiner once again failed to comply with 37 C.F.R. §1.104(c)(2) by not “designat[ing] as nearly as practicable” the particular part of Kawano relied upon in making the assertion that Kawano teaches a “sensor” as recited in Claim 1. Applicant submits that Kawano does not teach, disclose or suggest an “audio sensor” as recited in amended Claim 1 and submit that Claim 1 is patentable over Kawano and should be allowed by the Examiner. Claims 1-3, at least based on their dependency on Claim 1, are also believed to be patentable over Kawano.

Claim 14

Applicant submits that, at least for the reasons stated above, Kawano does not teach, disclose or suggest “an audio sensor generating a sensing signal” as recited in amended Claim 14. Hence, Claim 14 is patentable over Kawano and should be allowed by the Examiner. Claims 15-16, at least based on their dependency on Claim 14, are also believed to be patentable over Kawano.

35 U.S.C. §102(b) Rejection based on Park (U.S. Patent No. 5,155,474)

Claims 1 and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Park. Applicant respectfully disagrees. Applicant submits that Park does not teach each and every element as set forth in the rejected claims. In particular:

Claim 1

A. Applicant submits that Park does not disclose, suggest or teach, *inter alia*, at least the following features recited by amended Claim 1 of the present application:

“...sensing signal from **an audio sensor** ...” (emphasis added)

The Examiner asserts that a “sensor” as recited in Claim 1 is disclosed by Park’s “IR sensor 10.” See page 5, line 18 of the Official Action. Applicant respectfully traverses the Examiner’s assertion.

Applicant submits that Park does not disclose an “audio sensor” (emphasis added) as recited in amended Claim 1. As a matter of fact, Applicant did a word search of the Park and found no mention of an “audio sensor” as recited in amended Claim 1. Hence, Claim 1 is patentable over Park and should be allowed by the Examiner.

Claim 14

Applicant submits that, at least for the reasons stated above, Park does not teach, disclose or suggest “an audio sensor generating a sensing signal” as recited in amended Claim 14. Hence, Claim 14 is patentable over Park and should be allowed by the Examiner.

35 U.S.C. §103(a) Rejection

Claims 5-7, 13 and 17-18 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Kawano. Claims 10-11 and 19-20 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Park and further in view of Pucheck (U.S. Patent No. 6,496,595). Claim 12 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Maemori.

Claims 5-6, 13 and 17

Applicant submits Claims 5-6, 13 and 17, at least based on their dependency on Claims 1 and 14, respectively, are believed to be patentable over Kawano, because there is no prima facie 35 USC 103(a) case based on Kawano, as shown above.

Claims 7, 10-11 and 18-20

Claims 7, 10-11 and 18-20 have been canceled without prejudice.

Claim 12

Applicant submits Claim 12, at least based on its dependency on Claim 1, is believed to be patentable over Maemori, because there is no prima facie 35 USC 103(a) case based on Maemori, as shown above.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on

June 24, 2005
(Date of Deposit)

Lonnie Louie
(Name of Person Signing)

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(Signature)

June 24, 2005
(Date)

Respectfully submitted,



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